

ALL VOTING IS LOCAL

LEAGUE OF WOMEN VOTERS OF WISCONSIN

WISCONSIN DISABILITY VOTE COALITION

# Getting There is Half the Battle: Wisconsin's Photo ID Law, Access to DMV Services, and the Fight for Our Freedom to Vote



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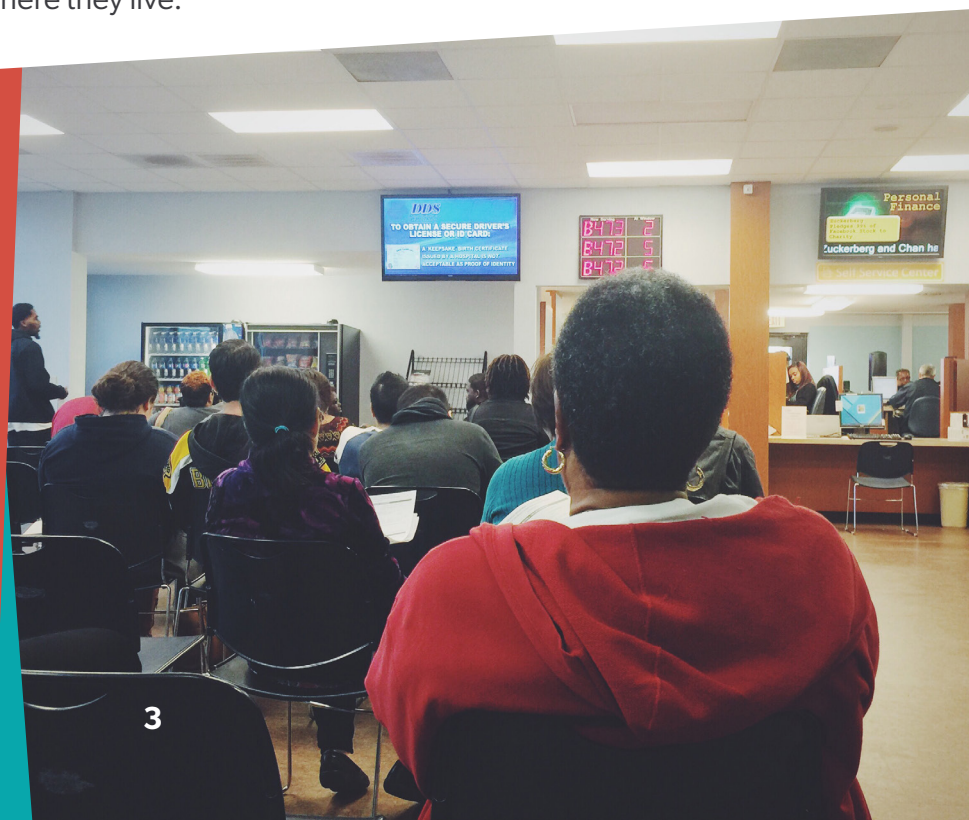
# Introduction

No matter who we are or what part of Wisconsin we are from, most of us believe that for our democracy to work for all of us, it has to *include* all of us. Central to this belief is a shared interest in protecting and expanding our freedom to vote. Over the past 10 years, the Division of Motor Vehicles (DMV) has become central to that freedom, since it is the primary place where Wisconsinites can get an acceptable photo ID to vote. Without equitable access to DMV services, there is no equitable access to the ballot.

While this report focuses on the DMV and photo ID for voting, we must acknowledge that not every Wisconsinite is eligible to vote, whether due to age, citizenship status, or status within the criminal legal system. However, despite not being eligible to vote, every Wisconsinite is still a crucial member of society. Given that DMV services are critical to full and equal participation in society, every person should have equitable access to those services. This is particularly true in a state where people rely on cars as the primary means of transportation. Expanding access to driver's licenses and other Wisconsin Department of Transportation (WisDOT)-issued photo IDs is vital for full and equal opportunity for every state resident.

This report highlights harsh inequities in how Wisconsin officials offer DMV services, an issue that can be partially remedied through Governor Evers' 2021–2023 proposed budget. Using data from the U.S. Census Bureau, communications with the Wisconsin Department of Transportation (WisDOT), existing research, and interviews with voters and voting rights advocates, this report examines discriminatory barriers to DMV access, including service hours, service locations, documentation required to obtain an ID, and language access for nonnative English speakers. The report concludes with concrete recommendations to ensure all Wisconsinites can access the DMV to obtain an ID to vote, regardless of who they are and where they live.

Without equitable access to DMV services, there is no equitable access to the ballot.



## BACKGROUND

Following the 2010 midterm election, state legislatures nationwide passed a massive wave of restrictive voting laws. At the core of new legislation were photo ID laws, which implemented photo ID requirements for casting a ballot.<sup>1</sup> In 2011, former Governor Scott Walker signed Act 23 into law, establishing one of the most restrictive photo ID laws in the nation. Act 23 severely limited the number of photo ID options that Wisconsinites can use to vote.<sup>2</sup>

In its first five years, Wisconsin's photo ID law faced a cascade of legal challenges that led to widespread confusion among voters and elections officials about what ID voters needed to cast a ballot.<sup>4</sup> In response, nonpartisan organizations like the ACLU of Wisconsin, the League of Women Voters, the NAACP, VoteRiders, and Disability Rights Wisconsin built programs to help answer voters' questions and fill gaps. Ultimately, the law came into full effect ahead of the presidential election on November 8, 2016.

Analysis of the 2016 election made it clear: The implementation of Wisconsin's photo ID law led to discriminatory barriers to the ballot for thousands of Wisconsinites, particularly for people of color, students, people with disabilities, and older voters. In Dane and Milwaukee counties alone, the photo ID law deterred an estimated one in four Black voters.<sup>5</sup>

By positioning the DMV as the primary place for Wisconsinites to get a photo ID, the law created inherent barriers for voters, particularly nondrivers. DMV service centers often provide limited hours in locations that are difficult to reach without a car. Many Wisconsinites who need photo ID are nondrivers, and access to transportation is a major barrier, especially ADA-accessible

### What Form of Photo ID can Wisconsinites Use to Vote?

- WisDOT-issued driver licenses/receipt
- WisDOT-issued ID cards/receipt
- WisDOT-issued ID petition process photo receipt
- Military ID cards issued by a U.S. uniformed service
- U.S. passport
- Identification card issued by a federally recognized indian tribe in Wisconsin
- Veteran Affairs ID card
- Certificate of naturalization issued not earlier than two years before the date of an election at which it is presented
- Certain identification cards issued by a Wisconsin accredited university or college.<sup>3</sup>

### What IDs are Needlessly Excluded from Wisconsin's Photo ID Law?

- Other IDs issued by a unit of government
  - Bus passes
  - Forward Health Cards (for Medicaid participants)
  - Municipal IDs
  - Jail IDs
  - Out-of-state driver's licenses
- Federally recognized tribes outside of Wisconsin
- Many student IDs
- Employer IDs



transportation. For context: Nondrivers are a large and diverse group of Wisconsinites that includes low-income workers, people in households where there are more drivers than cars available, everyone under 16, many people with disabilities, and older adults. According to data that WisDOT shared via email, nearly 29% of Wisconsin residents are nondrivers.

At DMV service centers, many voters face additional barriers due to confusing requirements around the documents required for a photo ID, and limited translation services. Some of these barriers have been mitigated by the DMV's ID Petition Process (IDPP), which resulted from the ACLU of Wisconsin's ongoing litigation in *Frank v. Walker* and *One Wisconsin Institute v. Thomsen*.<sup>6</sup> The IDPP provides a process for getting an ID to vote, even without immediate access to a birth certificate or other documents. It also eliminates the fees associated with obtaining documents individuals need for a state-issued ID.

Wisconsin Statute 6.86(2) also provides important protections, creating safeguards for voters who are indefinitely confined because of age, physical illness or infirmity, or a disability.<sup>7</sup> In these instances, voters are not required to send in a copy of their photo ID in order to obtain an absentee ballot. Instead, the witness's signature on the absentee ballot certificate envelope satisfies the photo ID requirement. The protection eliminates the expectation that indefinitely confined voters travel to a DMV service center to obtain or renew their ID, recognizing that health status, disability, and lack of accessible transportation pose formidable barriers. Despite the importance of this protection, legislators are currently working to restrict it with Senate Bill 204.<sup>8</sup>

Challenges remain. While organizations like VoteRiders<sup>9</sup> and the Voter ID Coalition<sup>10</sup> provide critical support to voters facing a litany of barriers to DMV service centers, no nonprofit organization can sufficiently address all of the barriers created by Wisconsin's photo ID law, particularly in a state home to close to 5.8 million people across 65,000 square miles.

In 2019, Governor Evers began to confront existing barriers with Executive Order 14, which called on WisDOT to develop and implement a plan that would expand the accessibility of WisDOT facilities for supporting access to photo IDs with which Wisconsnites can vote.<sup>11</sup> According to communications with WisDOT, important steps toward expanding access included:


- Increasing public service hours so that WisDOT provides at least 20 hours of weekly service to every Wisconsin county.
- Adding transit information to the WisDOT website.
- Coordinating messaging with the Wisconsin Elections Commission.
- Expanding online services for driver's license renewals.
- Creating a hotline for calls related to obtaining a free ID for voting.

## Everyday Consequences of Wisconsin's Photo ID Law

### GAIL BLISS, 67 | VOLUNTEER WITH THE LEAGUE OF WOMEN VOTERS OF DANE COUNTY

In her time with The League of Women Voters of Dane County, Gail has focused specifically on supporting voters experiencing homelessness. She has witnessed a litany of barriers to getting a photo ID which include individuals experiencing homelessness who had outstanding fees that threatened to raise the cost of an ID; challenges associated with tracking down birth certificates, particularly for individuals born outside of Wisconsin; barriers for people who moved out of Wisconsin, got married, and changed their name; and instances where people were robbed of their ID and/or Social Security card.

Gail emphasized how IDPP and the Wisconsin statute's "indefinitely confined" provision both help to mitigate some of the barriers she witnesses every day. Still, she shared, "I would really like middle-class folks to understand how much harder it is when you move often, when you're homeless, when you're low-income, when you don't have a car. All that stuff is just invisible to people who say, 'Well, of course everybody has a driver's license!' No. Everybody does not have a driver's license." She pointed to how these barriers disproportionately impact low-income people of color.



"We are disenfranchising people by coming up with things that we say are making the system safer. **No, they're making the system harder."**

GAIL BLISS

Still, much of this work took a hit during the COVID-19 pandemic. During the pandemic, DMV locations were closed for months, with access by appointment only. In Milwaukee, WisDOT temporarily closed the downtown service center at 819 N. 6th Street. Across Wisconsin, it also temporarily closed service centers in ten smaller cities, including Abbotsford, Fort Atkinson, Luck, Minocqua, Phillips, Reedsburg, Sauk City, Stanley, and Wittenberg. Some locations are still closed.

Following pressure from state advocates, WisDOT partially restarted services on September 15, 2020.<sup>12</sup> This included a partial October reopening at Milwaukee's Downtown Service Center and one-time offerings in the ten smaller cities. It also included opening a temporary South Madison Service Center at 1810 South Park Street. Based on 2020 data that WisDOT shared with advocates via email, ahead of the November 2020 election, this resulted in over 250 additional service hours, which served more than 1,300 customers.

Today, some permanent DMV service center expansion is included in Governor Evers' proposed 2021–2023 budget.<sup>13</sup> But to adequately address barriers introduced by Wisconsin's photo ID law and truly build a democracy that works for everyone, WisDOT, the Wisconsin Legislature, and Governor Evers must aggressively expand services and also consider other long-term solutions for addressing barriers to the ballot.

# ANALYSIS

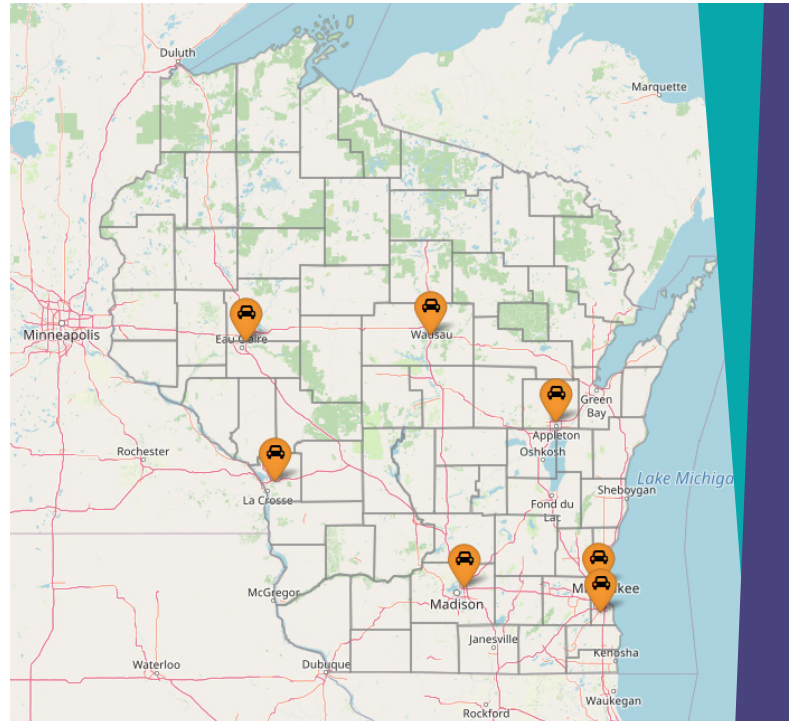
## HOURS

Of the 80 permanent DMV service centers in Wisconsin, only 23 operate Monday through Friday, and only seven offer Saturday hours. In a state home to 5.8 million people who live across more than 65,000 square miles, ensuring equitable access to DMV services means we must provide more Saturday access. Limited Saturday hours is one of the biggest hurdles for nondrivers and Wisconsinites in rural areas.

For example: Most of rural Wisconsin lacks widespread public transit. From Bayfield, a person who works a typical Monday–Friday schedule would need to wake up early to drive (or have a friend/family member drive them) three hours (180 miles) to Eau Claire. Access would be much easier if Saturday hours were available at the Ashland DMV service center (23 miles/30 minutes away).

Having limited Saturday hours is also a challenge for people in urban areas. For a nondriver living in Kenosha, the nearest DMV service center with Saturday hours is in Greendale. To get there (one way), it could take 2 hours and 38 minutes, three buses, 74 bus stops, and \$19. To arrive before close at noon, such a person would have to hit all these marks:

1. Arrive at Kenosha’s Metra Train Station on 13th Avenue and 54th Street by 8:30 a.m. Take Wisconsin Coach Lines (\$15) for 22 stops to Michigan Avenue and 2nd Street.
2. Walk one block north to Wisconsin and North 2nd Street. There, hop on the Blue Line. Make sure to get a day pass for the Milwaukee County Transit System (\$4).
3. Take the Blue Line for 24 stops to National and South 60th Street.
4. Cross the road and take the 64 for 28 stops to South 60th & Grange.
5. Walk 0.4 miles to the DMV service center on 5500 West Grange Avenue.<sup>14</sup>



Map of the Seven Wisconsin DMV Service Centers with Saturday Hours

## Everyday Consequences of Wisconsin's Photo ID Law


### MEGHAN WROBLEWSKI, 42 | EGG HARBOR RESIDENT

Barriers to affordable housing can present a number of challenges with exercising your freedom to vote. For six months after moving to Door County, Meghan lived in a hotel. Unable to find stable housing and living in three townships in less than three years, she opened a P.O. Box to receive mail.

Shortly before November 2020, Meghan realized that reliance on a P.O. Box would make it challenging to register to vote. While utility bills are an acceptable form of proof of residence for registering, the U.S. Postal Service did not deliver to Meghan's rural address. Using a P.O. Box meant that utility bills would not prove where she lived. Further, while Meghan hoped to register to vote by using a lease instead, her landlord had not provided one.

Meghan's next best option was to go to a DMV service center and make sure her Wisconsin driver's license reflected her current address. She worried that it was too close to Election Day to use the DMV's online update process, which would have allowed her to receive a license via mail. The nearest DMV was open only from 7 a.m. to 5 p.m., two days a week. Ultimately, she drove more than an hour to the Green Bay DMV, and more than an hour back. "If I were a person without reliable transportation," she said, "it would have been all but impossible."

She pointed to her 80-something-year-old grandmother, who lives in Arbor Vitae. Because the nearest DMV (Minocqua) is open only once each month and by appointment only, Meghan's grandmother had to drive nearly 30 miles south to Rhinelander. "It's a common theme everywhere," said Meghan. "I can't imagine having a DMV that's only open one day a month.... I'm not by any means the worst-case scenario."



"If I were a person without reliable transportation, it would have been **all but impossible.**"

MEGAN WROBLEWSKI

Fortunately, nonpartisan organizations like VoteRiders<sup>15</sup> and the Voter ID Coalition<sup>16</sup> are available to help by offering rides to DMV service centers. In 2020, the Voter ID Coalition alone fielded over 2,000 calls, texts, and emails from voters. That being said, these services cannot completely fill the gaps in government services. In addition, volunteer groups rarely have lift-equipped wheelchair- or scooter-accessible vehicles. This means they are not able to offer rides to people with disabilities and older adults who need an accessible vehicle.





## LOCATIONS

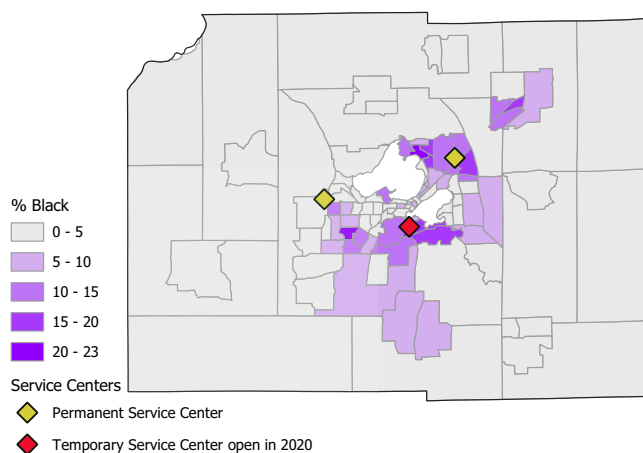
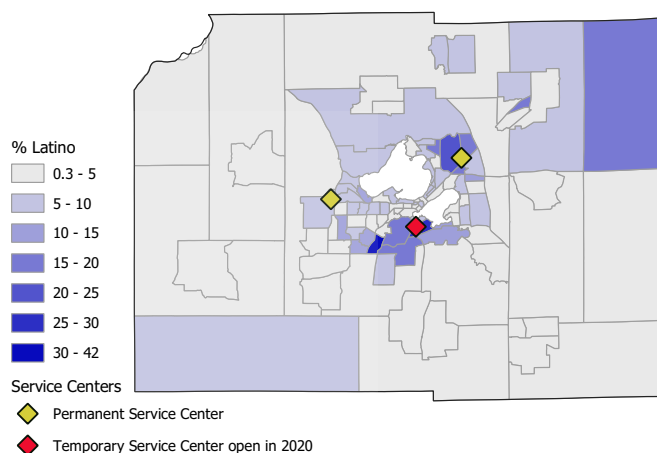
Limited locations are the biggest hurdle to DMV access. Many of the people who do not have a photo ID are nondrivers and rely on public transit or rides from others to get to the DMV. DMVs that are not on public transit lines or take hours to get to via public transit are not accessible for nondrivers. This barrier is also compounded by the sparseness of DMV locations throughout the state.

For example, Dane County has two service centers, with a ratio of one service center per 277,000 residents. Comparatively, Rock County also has two service centers but a ratio of one service center for every 82,000 people. Dane County's locations are not easily accessible by public transit.<sup>17</sup> This presents an additional barrier for individuals without a vehicle and for individuals with travel-limiting disabilities.

Based on recommendations from WisDOT, Governor Evers' 2021-23 Executive Budget proposed funding for a third DMV service center in Dane County and a second DMV service center in Brown County.<sup>18</sup> Last fall, the DMV opened a temporary service center in South Madison. That service center was open on Tuesdays and Thursdays between September 15 and the end of the year. In that short time, it delivered close to 2,000 transactions. Access in South Madison was particularly important for Black and Latino Dane County residents, nondrivers, and Dane County residents with disabilities. As the Wisconsin Joint Finance Committee deliberates what should be included in the 2021–2023 budget, it is important to fight for this proposed expansion.

This is all particularly important given research showing that Asian Americans and Latino workers are twice as likely to not have a vehicle, and Black workers are three times as likely to not have a vehicle.<sup>19</sup> Furthermore, limited access creates barriers to the ballot for voters with travel-limiting disabilities.<sup>20</sup> While a free ID for voting can be obtained at DMV service centers, it may be difficult to get transportation to the DMV.

### Access to DMV Service Centers for Latino and Black Dane County Residents



As seen in the maps above, in 2020, Dane County's temporary DMV service center increased access for areas of the county with a higher percentage of Black and Latino residents.

These barriers are particularly challenging for rural Wisconsinites, specifically those with disabilities. WisDOT's 2021 public transit systems map demonstrates there is effectively no public transit in Northern Wisconsin.<sup>21</sup> By our count, 11 counties have zero form of public transit, not even in their largest municipality. Where there is volunteer transportation, it typically is not lift-accessible. Furthermore, accessible transportation provided by specialized medical vehicles is available only for medical and dental appointments, not for getting to the DMV.

For persons with mobility disabilities, the cost for a specialized medical vehicle to transport them to and from the DMV is not affordable to the majority of people with disabilities on a fixed income. On top of all of these pieces, limited locations can lead to long travel times.

At the DMV, people with disabilities often face another set of accessibility-related challenges. Community members with disabilities have shared concerns with Disability Rights Wisconsin regarding the lack of ADA accessibility at some DMV locations. The DMV online system is not fully accessible to screen readers, limiting access for people with print disabilities. Based on data from their DMV customer service centers webpage, twelve service centers provide limited access for people with disabilities.<sup>22</sup>

### Everyday Consequences of Wisconsin's Photo ID Law

#### KATHLEEN FULLIN, 72 | MADISON-BASED VOLUNTEER WITH THE VOTER ID HELPLINE

"The weekend before the November 2020 election, the Helpline got a call from an 86-year-old woman who really couldn't walk well," said Kathleen. "She had gotten a relative to take her to the Goodman Library on Park Street in Madison to vote early. But it was Saturday, and her driver's license had expired in 2015. So she couldn't vote."

"I believe that she probably was **not able to work out getting an ID** for the election."

KATHLEEN FULLIN

It was too late to request an absentee ballot, but she presented Dane County's temporary South Madison DMV service center as an option for getting an ID before Election Day. The woman lived near Park Street and had relatives who were able to drive her. But the Park Street DMV wasn't open on Monday. Kathleen offered a cab ride to one of the alternative locations, but COVID-related concerns made the woman uncomfortable, and she didn't think relatives would have time to drive her.

"I'm not sure what happened," said Kathleen. "I sent her a request form so that she could vote in the future as an indefinitely confined voter, but when I tried to reach her this month, her phone had been disconnected. And I presume that's because she was no longer able to live independently. I believe that she probably was not able to work out getting an ID for the election."




## Everyday Consequences of Wisconsin's Photo ID Law

### GAIL CAMPBELL, 73 | MADISON RESIDENT

Ahead of the 2020 election, Gail was concerned about confusing requirements surrounding voter registration and photo ID requirements. To ensure she was ready to vote, she went to the DMV to update her photo ID. Gail has a number of disabilities and frequently experiences high pain, swollen ankles, and breathing challenges. No longer able to drive, she scheduled a ride with Family Care. Because of multiple chemical sensitivities and other disabilities, she waited outside in the cold and accidentally missed her call. She rescheduled her visit and waited more than another hour for Family Care to take her home.

Gail is 70% deaf. When she returned to the DMV, miscommunication with an impatient DMV employee resulted in her accidentally receiving the wrong license—opting for the license that won't permit her to fly once "REAL ID requirements are fully implemented."<sup>23</sup> Frustrated with Wisconsin's photo ID law, she shared, "The only reason why we have to get voter IDs at the DMV to vote is for voter suppression. I'm convinced. It doesn't need to be that way."



"The only reason why we have to get voter IDs at the DMV to vote is for voter suppression. I'm convinced. **It doesn't need to be that way.**"

GAIL CAMPBELL

Satellite locations present an important opportunity to provide services to areas of the state where access to permanent facilities is difficult. Eleven DMV service centers already operate without a permanent state facility. According to the DOT's response to Executive Order 14, "These offices are served by DMV staff that travel with equipment to these communities and set up for the day at an established location (community centers, village halls, etc.)."

These satellite locations must be expanded. Based on outreach to the Legislative Fiscal Bureau, it costs approximately \$55,580 to establish a new DMV satellite location. This includes a one-time cost of \$28,654 for equipment and \$26,926 annually in operating costs. This assumes that the satellite location operates twice each month for seven hours each day, for a total of 24 days of the year. Expansion should focus on these priorities:

- Urban spaces with a high number of nondrivers.
- Rural spaces with little to no public transit.
- Improving access for people of color.
- Improving access for people with disabilities and older adults.
- Ensuring locations are accessible through multiple transit routes.

WisDOT should seek cross-training opportunities within other state agencies, as well as opportunities to co-locate services in spaces such as income maintenance facilities, Aging and Disability Resource Centers (ADRCs), city halls, and libraries.

WisDOT should also expand the use of online services. In May 2020, WisDOT started a pilot program to permit drivers under 64 years old to renew their driver's licenses online. In its 2020 Annual Report pursuant to Executive Order 14, WisDOT indicated that 64,000 drivers have renewed their licenses online since implementation of this program. WisDOT should ensure that online services meet ADA accessibility standards, including screen reader accessibility.

Finally, WisDOT should expand options for obtaining an ID via the Free ID and Identification Card Petition Process (IDPP).<sup>24</sup> As described in the section below, the IDPP specifies that a voter without certain documentation can still get a free ID for voting. At the DMV, the voter only needs to fill out two forms, and they will receive a Wisconsin ID or paper receipt in the mail.<sup>25</sup> To expand access to photo IDs for voting, WisDOT should use satellite service center equipment to provide access to the IDPP during early voting and at the polls on election day. WisDOT should also look at additional online renewal options for the IDPP process.





## DOCUMENTATION



The purpose of the photo ID law is to verify the voter's identity before they are issued a ballot. However, to get a photo ID from the DMV, Wisconsinites are required to prove more than just their identities. This can lead to countless documentation-based barriers to the ballot.

The DMV has strict guidelines about acceptable forms of documentation. Documents must be original (photo copies and printed electronic copies are not acceptable), and all documents must not be expired (unless otherwise noted).<sup>26</sup>

These documents can be cumbersome to gather, and confusion around which documents are acceptable can result in the voter needing to make multiple trips to the DMV in order to obtain an ID.

These guidelines are further complicated by the 2005 REAL ID Act, which requires every state to check an individual's immigration status before they issue a driver's license or state ID.<sup>27</sup> This requirement applies to those applying for a federally compliant REAL ID\* or a non-REAL ID-compliant state ID (both are acceptable photo IDs for voting). Some areas of concern about the rollout of REAL ID are:

1. the additional documents required to acquire a federally compliant REAL ID and
2. the information gap around what government processes require a REAL ID and which government processes will *not* (e.g., voting).

Proactive education in advance of May 3, 2023, will be key to prevent the potential mis/disinformation about how the rollout of REAL IDs will impact access to the ballot.\*\*

Additional steps and documentation are required for Wisconsinites who change their names. Following a name change, Wisconsinites need to update their names with the Social Security Administration and then wait at least 48 hours before going to the DMV. Wisconsinites must also provide documentation that proves their name changes. Acceptable documents include:

- Certified marriage certificate.
- Certified record of divorce.
- Certified court order.
- Valid unexpired U.S. passport issued in your current name.

### **In order to get a driver's license or photo ID card from WisDOT, an applicant must provide:**

- proof of U.S. citizenship, legal permanent resident status, legal conditional resident status or legal presence in the U.S.,
- proof of name and date of birth,
- proof of identity,
- proof of Wisconsin residency if 18 years of age or older, and
- Social Security number.

\*Beginning May 3, 2023, these IDs will be required to fly or enter a federal building. More information: Wisconsin Department of Transportation. "[About REAL ID](#)." Wisconsin Department of Transportation. Retrieved April 20, 2021.

\*\*While largely beyond the scope of this paper, REAL ID requirements have implications beyond access to the ballot. An additional area of concern is that REAL ID requirements will further complicate equitable access to driver licenses and, in turn, further limit full and equal participation in society.

These documents can be difficult to obtain, and original copies cost money. This requirement unfairly burdens many groups:

- Married/divorced women
- Transgender people\*
- Those who have gone through the adoption process
- Immigrants adapting their names to a new language/culture and those changing their names to dissociate or reassociate themselves with an ethnic origin
- Victims of stalking, harassment, and/or abuse
- Low-income people, including many people with disabilities.<sup>28\*</sup>



Wisconsin's photo ID law creates additional discriminatory barriers for transgender Wisconsinites. According to a February 2020 report from the UCLA School of Law Williams Institute, nearly one million transgender Americans were eligible to vote ahead of the 2020 general election, but nearly 40% did not have IDs that reflected their correct names and/or genders. This is particularly troubling for Wisconsin, which is one of eight states with the strictest photo ID laws in the nation. Here, about 13,750 transgender adults are eligible to vote, but nearly *half* of those individuals do not have an ID with their correct names.<sup>29</sup>

In Wisconsin, voters are registered by name and address, *not* by gender. Therefore, at a polling place, it is not permissible to turn away a voter because of an apparent gender discrepancy on their ID.<sup>30</sup> Still, transgender voters often face polling-place discrimination, including gawking and hostility toward gender markers. This is further complicated by challenges associated with legal name changes<sup>31</sup> and the stringency of Wisconsin's driver's license gender change policy, which received a C+ from the National Center for Transgender Equality.<sup>32</sup>

A number of changes would simplify some of the barriers facing trans voters, and trans people more broadly. Wisconsin must eliminate restrictions on updating gender on a birth certificate. Under Wisconsin's current process, individuals need a surgical sex change procedure in order to update the gender marker on their birth certificates.<sup>33</sup> This creates a needless and discriminatory barrier to the ballot, as well as needless and discriminatory barriers to full and equal participation in society.

\* Throughout this report, we use "transgender" and "trans" as umbrella terms to include nonbinary, genderqueer, gender nonconforming, gender fluid, and all gender-expansive individuals.

\*\* Approximately 30% of people with disabilities live in poverty.

Additionally, Wisconsin must simplify the process for updating one's gender marker on a photo ID and must add a third gender marker. At the moment, trans Wisconsinites wishing to update their gender markers must get a letter of support from a medical health professional. Once they move through the process, they will need to select either "M" (male) or "F" (female) on their photo IDs. Unlike 20 states and Washington, D.C., Wisconsin does not offer a third nonbinary gender marker, which is typically represented by an "X."<sup>34</sup> For many trans voters, this can present a discriminatory choice. Notably, some municipal IDs (e.g., Milwaukee's) offer a third gender marker, but those IDs are not currently a valid form of photo ID for proving identity at the polls.



Finally, elections officials have an alarming amount of discretion when deciding whether to turn voters away. At the polls, Wisconsin Statute 6.78(2) states that election officials shall verify that a photo ID "reasonably resembles the elector."<sup>35</sup> This statute is often offensive, particularly to androgenous people and people who live outside the male or female binary. We must consider legislation and election official training opportunities that would limit discriminatory application of this law. We must also make sure to educate around provisional ballots, to ensure that trans voters don't go through all the work of going to their polling place and putting themselves in an un-affirming situation, just to be turned away. In instances where voters are given a provisional ballot, elections officials should also provide information on the IDPP. WisDOT should work with municipal and county clerks to ensure this happens.

Many people do not have access to all the documents required to prove their citizenship status, prove their names and dates of birth, prove their Wisconsin residencies, provide their Social Security numbers, prove any name changes, AND prove their identities. And many are not able to access the DMV due to accessibility reasons laid out in this report.

The DMV accepts a much broader list of documents that can satisfy the proof-of-identity requirement for the purposes of getting a driver's license or state ID. Per Trans 102.15 (4)(a), any original and authentic document identifying the person by name and bearing the person's signature, a reproduction of the person's signature, or a photograph of the person is acceptable to prove identity at the DMV.<sup>36</sup> If this standard to prove one's identity were adopted for voting purposes, there are many documents that meet the DMV's proof-of-identity requirement that Wisconsin voters are already *attempting* to use to vote. This includes credit cards, municipal IDs, out-of-state driver's licenses, and others.<sup>37</sup>

## Everyday Consequences of Wisconsin's Photo ID Law


**OSHA TOWERS, 24**  
**DIRECTOR OF COMMUNITY**  
**ORGANIZING, DIVERSE**  
**& RESILIENT**

**ALEX CORONA, 33**  
**TRANSGENDER PROGRAM**  
**COORDINATOR, MILWAUKEE LGBT**  
**COMMUNITY CENTER**

Both Osha and Alex spoke to the long list of barriers to the ballot facing trans Wisconsinites. When it comes to supporting trans voters, Osha spoke to first center trans needs.\* "People are really frustrated with others for not being as engaged in political movements," they said, "but they're reaching at folks that are literally just trying to survive and have felt overlooked so often in those settings." "People," she added, "have had to create their own community care systems that go under the guise of the larger picture, because it hasn't been serving them."

When it comes to some of the documentation-based barriers to the ballot for trans Wisconsinites, Alex spoke to the legal name change process. In her work with the Milwaukee LGBT Community Center, Alex has helped approximately 75 individuals navigate a process that is riddled with complicated paperwork and unreasonable fees. "It's not made for us to get it right," she said. And when it comes to binary limitations with updating your gender marker on your WisDOT-issued ID, she added that trans voters are faced with a discriminatory choice. "You have to decide is my voting right more important or is my right to be seen as who I am?" she said.

Beyond these challenges, many trans voters face barriers related to getting to their polling places, as well as threatening experiences once they are there. "So many trans folks have to use public transportation," said Osha. "Public transportation is incredibly unsafe. Standing and waiting in line is incredibly unsafe." They added that common experiences include looking at trans folks and "berating them with questions." Given how upsetting the experience can be, Alex shared that no-excuse absentee voting is particularly important for many trans voters. "That's made it a lot easier," she said. "And kind of made it more affirming, because we don't have to deal with going in, being misgendered, being 'sirred.'"



"You have to decide is my voting right more important or is **my right to be seen as who I am?**"

ALEX CORONA

\* In a 2020 Trans Needs Assessment surveying 103 participants (78% of whom represented Black, Indigenous and other people-of-color communities), Diverse & Resilient identified high levels of harassment in the workplace, housing instability, a constant state of fear due to a history of violence against trans people, uninformed health care providers, and more. For more information: Diverse & Resilient. ["Capacity Building Needs Assessment Final Report."](#) Diverse & Resilient. 2020.



The state of Wisconsin recognizes that gathering the required documentation in order to get a photo ID can be burdensome and can cost a significant amount of money. As a result of a court order, the state established the Identification Card Petition Process (IDPP). Through this process, the petitioner is able to get a temporary photo ID for voting purposes while they work with the DMV to track down any missing documents. Those enrolling in IDPP must:

1. apply in person,
2. bring whatever documents they have to the DMV, and
3. fill out two forms.<sup>38</sup>

Once any missing documents have been identified, the DMV issues the petitioner a Wisconsin identification card that is valid for eight years. Tracking down documents can be a cumbersome process requiring multiple additional conversations and possibly trips to the DMV. In fact, hundreds of petitions have been suspended during the back-and-forth communication process. To help streamline these processes, WisDOT should clearly display details on the IDPP at every DMV service center and distribute postable materials to other state agencies, county clerks, and municipal clerks. These details should include information on what can be used to prove citizenship, name/DOB, and identity/residency.

Based on data retrieved from direct communications with WisDOT: As of December 2020, 14,487 petitions had been filed by Wisconsinites requiring the DMV's assistance to track down documents in order to get a photo ID for voting purposes. There is a clear need for IDPP and for the process to function effectively so voters are able to get a photo ID that is valid for eight years. Unfortunately, only 47% of the 14,487 cumulative petitions had been resolved — i.e., meaning the petitioner was issued a photo ID.

As demonstrated in Table 1, both the city of Milwaukee and the city of Madison make up a large proportion of the total number of petitions to date. It is noteworthy that Milwaukee and Madison are two areas of the state that have the most people of color. While voters in both Milwaukee and Madison have nonprofit organizations that support voters moving through the IDPP (VoteRiders and the Dane County Voter ID Coalition, respectively), other cities do not. Moving forward, it is important to identify which municipalities would benefit from similar support systems and also to recognize that no nonprofit organization can fully support equitable access to the IDPP. WisDOT must lead these efforts.

**Table 1: Petition Origination  
as of December 2020**

By Largest Cities

City	Number of Petitions to Date	Percent of Total
Madison	2,053	14.17%
Milwaukee	4,056	28.00%
Other Cities	8,378	57.83%
Total	14,487	100.00%

As demonstrated in Table 2: Compared to other parts of Wisconsin, the Southeast region of the State had the largest number of petitions.

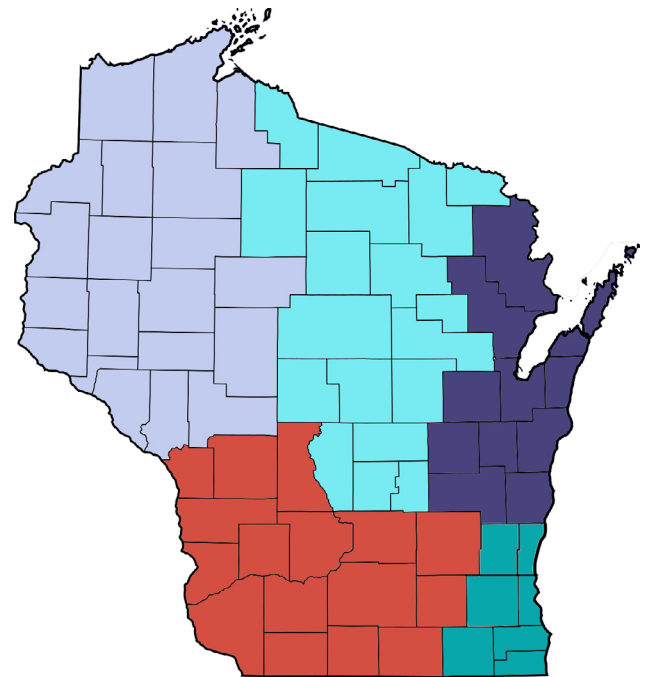
**Table 2: Petition Origination as of December 2020**

By Region

Region	Number of Percent of Total	Petitions to Date
Northwest	1,207	8.33%
North Central	911	6.29%
Northeast	2,413	16.66%
Southwest	4,038	27.87%
Southeast	5,918	40.85%
Total	14,487	100.00%

As demonstrated in Figure 1 data retrieved from email communications with WisDOT: In 2020, WisDOT saw a big spike in petitions filed leading up to the November 2020 Election. October was by far the month with the most petitions filed, nearly three times the average over the course of the year. These data speak to the need for expanded access to DMV services in the weeks preceding an election.

However, IDPP is not a viable solution for everyone. Some voters using IDPP will never get an eight year photo ID, as the documents (birth certificate, marriage certificate, etc.) required for their petition to be resolved never existed. Those voters can get stuck in an IDPP loop where they have to stay in touch with the DMV every 60 days just to get the receipt to vote. Additionally, in order to get a WisDOT-issued ID, Wisconsin residents have to surrender/invalidate any DMV products from out of state.<sup>40</sup> There are many scenarios where



Map of WisDOT Regions<sup>39</sup>

- Northwest
- North Central
- Northeast
- Southwest
- Southeast

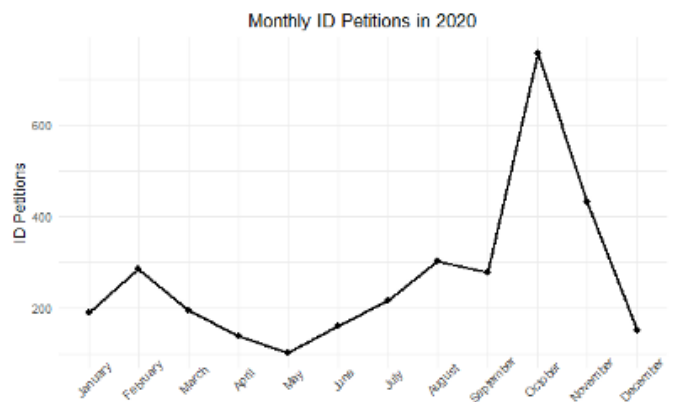


Figure 1: Monthly ID Petitions in 2020

a Wisconsin resident may want to vote in Wisconsin but has a driver's license from a different state. For example, an older adult who spends winters in the South may consider Wisconsin their state of residence for voting purposes but have a driver's license in their other state of residence for a different purpose.

In conclusion, a litany of documentation-related challenges intersect with Wisconsin's photo ID law to create needless and discriminatory barriers to the ballot. WisDOT must streamline and simplify current procedures and also expand access to the IDPP, which is an important fail-safe for Wisconsin voters needing to acquire an acceptable photo ID for voting. Still, WisDOT must take more steps to advertise this process and process petitions in a timely manner, particularly in the months immediately before Wisconsin elections. Unless we repeal Wisconsin's photo ID law, needless and discriminatory barriers to documentation will continue resulting in needless and discriminatory barriers to the ballot.

## LANGUAGE ACCESS

According to U.S. census data, 8.74% of Wisconsinites (477,058 Wisconsinites) speak a language other than English. Common languages and their number of Wisconsin speakers include these:

- Spanish: 253,716.
- German or other West Germanic languages: 40,103
- Russian, Polish, or other Slavic languages: 18,443
- Chinese (including Mandarin and Cantonese): 16,688
- French, Haitian, or Cajun: 9,702
- Arabic: 8,623
- Tagalog (including Filipino): 5,392
- Korean: 4,268
- Vietnamese: 3,875



While not specified in census data, today, Hmong is the third-most common language in the state (after English and Spanish).<sup>41</sup>

Other broad categories include these:

- Other Asian and Pacific Island languages: 65,349
- Other Indo-European languages: 37,151
- Other and unspecified languages: 13,748

In its policy on Equal Opportunity In Service Delivery — Alternative Language Accommodations,<sup>42</sup> WisDOT notes its language access responsibilities, in accordance with Title VI of the 1964 Civil Rights Act,<sup>43</sup> Title II of the 1990 Americans with Disabilities Act,<sup>44</sup> and Section 504 of the 1973 Federal Rehabilitation Act.<sup>45</sup> While these pieces largely speak to WisDOT's responsibilities for providing

services to Wisconsinites who are deaf and hard of hearing, they also have important implications for non-English services. Per WisDOT's policy retrieved through email communications: "It is not the customer's responsibility to present themselves with an interpreter, nor should the customer be directed to an alternate location to receive services in an amended format. It is the Department's responsibility to provide equal access to all services."

While this is WisDOT's policy, it is not always implemented in practice, nor is it clear how those who need reasonable accommodations can access them. For example, when scheduling an appointment with the DMV, there is no clear place to request an accommodation. And if one is to go to the page for a specific DMV location, the page notes only that there is "full" disability access but does not specify how to request accommodations.

WisDOT should add and clearly display website details on its commitment to ensuring effective communication for Wisconsinites with a vision, hearing, or speech disability. This information should also be posted at DMV service centers. Under the ADA, auxiliary aid and services include the following:

**For Wisconsinites who are blind, have vision loss, or are deaf-blind:**

- a qualified reader;
- large-print, Braille, or electronic information for use with a screen reader; or
- an audio recording.

**For Wisconsinites who are deaf, have hearing loss, or are deaf-blind:**

- a qualified notetaker;
- a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter;
- real-time captioning; or
- written materials.

**For Wisconsinites who have speech disabilities:**

- a qualified speech-to-speech transliterator,
- taking time to communicate with someone who uses a communication board, or
- in some situations, keeping paper and pencil on hand for when written communication can help facilitate understanding.<sup>46</sup>





This information should include the process for requesting a disability-related accommodation.

The 1975 reauthorization of the Voting Rights Act adds another important layer to this conversation. Per Section 203:

“Whenever any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.”<sup>47</sup>

Section 203 covers localities where there are more than 10,000 or over 5% of the total voting-age citizens in a single political subdivision who are members of a single language minority group.<sup>48</sup> As of 2016, Wisconsin municipalities covered under Section 203 include the City of Arcadia, the town of Madison, and the city of Milwaukee.<sup>49</sup> As the populations of Wisconsinites who speak languages other than English continue to grow, we can expect the list of covered areas to also grow. As this happens, WisDOT must ensure that DMV service centers meet new demands.

Latinos are the fastest-growing population of racial and ethnic minorities in Wisconsin, growing nearly 47% since the 2000 census and now accounting for 7.1% of all state residents. While Latino Wisconsinites live in every part of the state, nearly two-thirds of the population live in five counties: Brown, Dane, Kenosha, Milwaukee, and Racine.<sup>50</sup> As the population of Latino Wisconsinites grows, state and local officials must improve accessibility of government services for this population.

While not all Latinos speak Spanish, and not all Spanish speakers are Latino, the majority of Wisconsin’s 262,000 Spanish-speaking residents are Latino.<sup>51</sup> Milwaukee Central Service Center provides services in both English and Spanish. The DMV has also noted that it employs bilingual agents at many other offices and for its Voter ID Helpline. Still, stories from Spanish-speaking Wisconsinites and the growing population of Wisconsin Spanish speakers point to the need to implement more Spanish-language services.

This need is most clear in Wisconsin’s largest cities. Looking at U.S. census data reflecting the counts of individuals five and older, we see that six cities are home to more than half the population of Spanish-speaking residents:

**Milwaukee: 79,205**

14.39% of the Milwaukee population assessed

**Green Bay: 2,671**

13.08% of the Green Bay population assessed

**Racine: 9,111**

12.68% of the Racine population assessed

**Madison: 12,511**

5.16% of the Madison population assessed

**Kenosha: 10,834**

11.6% of the Kenosha population assessed

**Waukesha: 5,988**


8.75% of the Waukesha population assessed

Still, large populations of Wisconsin Spanish speakers also extend outside of urban areas. For example, in Arcadia, approximately one-third of the population speaks Spanish. For context, Arcadia has a population of about 3,000 residents.<sup>52</sup> Expanding access to Spanish-language services must also center the needs of Spanish speakers in more rural parts of the state.

### **Everyday Consequences of Wisconsin's Photo ID Law**

#### **IUSCELY FLORES VILLAREAL, 25 | RACIAL AND ECONOMIC JUSTICE ADVOCATE, WISCONSIN DEMOCRACY CAMPAIGN**

Navigating the maze of the DMV is worse for non-English speakers. "Even if you are a U.S. citizen or a U.S. resident and you don't speak English, it's almost impossible to navigate through it.... You don't know who to talk to, the forms aren't in your language..." said Iuscelly. "I definitely do think language access should be prioritized. I think from personal experience, myself and many other first-generation people will tell you that we translated our parent's documents when we were as young as seven years old."



"You don't know who to talk to, **the forms aren't in your language.**"

IUSCELY FLORES VILLAREAL

Beyond expanding Spanish language access, WisDOT should expand access for Hmong Wisconsinites with limited English proficiency. Wisconsin is home to approximately 50,000 Hmong Americans, the third-largest population after California and Minnesota. The largest communities of Hmong Wisconsinites live in Green Bay, La Crosse, Milwaukee, Sheboygan, and Wausau.<sup>53</sup> While not specified in census data, today, Hmong is the third-most common language in the state (after English and Spanish). Supporting Hmong-language government services ensures that Hmong-speaking people have access, and it also recognizes the importance of cultural representation.

Translating materials into Hmong requires special expertise, as Hmong is primarily a spoken language. This stems from a history of persecution, during which writing Hmong was not allowed. Even today there is not one uniform form of written Hmong language that is considered official.<sup>54</sup> WisDOT needs to ensure that its Hmong materials are culturally competent and make the DMV's services accessible to those who require language assistance in Hmong. This is a particular challenge when many of the DMV's services have been moved online, where much of the communication is written and translated by Google Translate. Relying on tools like Google Translate rather than native speakers can lead to problematic inaccuracies in the translations.

As we develop new plans for ensuring equitable access to DMV services, we must pay close attention to ensuring effective communication for Wisconsinites with a vision, hearing, or speech disability. We must also pay close attention to growing populations of Wisconsinites who speak Spanish, Hmong, and the other languages listed above. This means hiring multilingual staff in communities where there is a large population of individuals with limited English proficiency. If the DMV is the gateway to our democracy, officials must ensure it is the gateway to democracy for *all* Wisconsinites.

# Recommendations

Without delay, WisDOT, the Wisconsin Legislature, and the governor's office should take the following steps to mitigate the discriminatory impact of Wisconsin's photo ID law.

## FOR THE WISCONSIN DEPARTMENT OF TRANSPORTATION

1. Implement Saturday hours at every permanent service center.
2. Implement more evening hours in the 60 days prior to an election. Advertise those hours.
3. Fight for the budget proposals that would establish a new service center in Brown County and a new service center in Dane County.
4. Expand the use of satellite locations.
5. Ensure new locations are accessible via public transit when possible.
6. Work with other agency leaders to develop long-term plans for cross-training and co-location of services across state agencies, including at early voting sites and at polling places on election day.
7. Expand online services, specifically by implementing processes for online IDPP renewal.
8. Clearly display details on the IDPP at every DMV service center and distribute postable materials to other state agencies and county clerks. These details should include information on what can be used to prove citizenship, name/DOB, and identity/residency, as well as on the digital photo look-up option for those who have had an ID in the past.
9. To ensure that voters using the IDPP process can obtain a form of ID for voting without delay, issue receipts valid for voting to all applicants at the time that they apply.
10. Work with municipal and county clerks to ensure that provisional voters are given information on the IDPP at early voting locations and at the polls on election day.
11. Add and clearly display on the DMV website details on DMV service center commitment to ensuring effective communication for customers with a vision, hearing, or speech disability and post at DMV service centers. This should include the process for requesting disability-related accommodations.
12. Expand language access by hiring multilingual staff. Focus specifically on aggressively recruiting Spanish-speaking staff and expanding Spanish language services in municipalities with a large number of Spanish speakers.
13. Ensure translated materials are accurate and culturally competent.
14. Develop a plan to assess ADA physical and programmatic accessibility at every DMV service center; make improvements where needed.
15. Develop long-term funding proposals for meeting the above recommendations.

## FOR THE LEGISLATURE

1. Reject new legislation that would implement new barriers to the ballot.
2. Repeal Wisconsin's photo ID law. At a minimum, dramatically expand the list of photo IDs with which Wisconsinites can vote. This should include any photo ID, expired or unexpired, issued by
  - a. any unit of government, including all municipal, county, state, and federal agencies;
  - b. an accredited college or technical school; or
  - c. a Wisconsin employer.
3. Eliminate the requirement that individuals prove a surgical sex change procedure to update the gender marker on their birth certificates, and eliminate the requirement that individuals provide a letter of support from a medical health professional to update the gender marker on their WisDOT-issued photo IDs.
4. Create a third "X" gender marker option for birth certificates and photo IDs.
5. Fully fund Wisconsin elections; ensure WisDOT has the funds they need to meet the recommendations above.
6. Require DMV service centers and polling places to post information about Wisconsin's photo ID law and the IDPP.
7. Expand options for affordable and accessible transportation to DMV locations. This could include exploring options to provide transportation to DMV as a covered transportation service for Medicaid members.

## FOR THE GOVERNOR'S OFFICE

1. Ensure WisDOT adequately complies with Executive Order 14, relating to the accessibility of DMV facilities and WisDOT-issued voter identification.
2. Fight for the proposed DMV service center expansion included in your 2021–2023 budget proposal.
3. Work with the DMV to explore service expansion using existing resources and long-term funding plans. This should include service expansion through
  - a. increased Saturday and evening hours,
  - b. increased use of satellite facilities, and
  - c. co-located services through cross-agency collaboration.
4. Veto any bills that would further restrict Wisconsinites' access to the ballot.
5. Establish a task force on protecting and expanding Wisconsinites' freedom to vote, and release a formal report ahead of the 2022 election.\*

\* Potential model for this recommendation: Evers, Tony. "[Executive Order #52: Relating to the Creation of the Governor's Task Force on Climate Change](#)." The State of Wisconsin Office of the Governor.



## Conclusion

In the ten years since Wisconsin's photo ID law was implemented, new barriers to the ballot have emerged in every corner of Wisconsin. These new barriers impact everyone, but they disproportionately harm Black Wisconsinites, Latino Wisconsinites, students, people with disabilities, young voters, and older voters. Today, WisDOT serves as the gateway to our democracy, since DMV service centers are the primary place Wisconsinites can get an ID for voting. To protect and expand our freedom to vote, we must protect and expand access to DMV service centers.

Attacks on our freedom to vote did not end with the implementation of Wisconsin's photo ID law. Since the November 2020 election alone, 361 anti-voter bills have been introduced in more than 47 states.<sup>55</sup> In Wisconsin, we are seeing proposals that would create new barriers to the ballot by undermining local governments' capacity to address elections administration budget shortfalls,<sup>56</sup> restricting access for indefinitely confined voters,<sup>57</sup> limiting the use of ballot dropboxes,<sup>58</sup> and more.

Ensuring equitable access to a photo ID is the first step toward protecting and expanding the promise of our democracy. Still, it cannot be the last. While Wisconsin officials must expand access to WisDOT service centers, they must also remove needless and discriminatory barriers to the ballot that threaten our freedom to vote. And at the same time, we must also build a new vision for Wisconsin's democracy, one that fully appreciates our shared belief that for our democracy to work for all of us, it has to include all of us.



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More information at [allvotingislocal.org](https://allvotingislocal.org).

**THE LEAGUE OF WOMEN VOTERS OF WISCONSIN** is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin.

More information at [lwvwi.org](https://lwvwi.org).

**THE WISCONSIN DISABILITY VOTE COALITION** is a nonpartisan effort to help ensure full participation in the entire electoral process for voters with disabilities. It is a project of Disability Rights Wisconsin and the Wisconsin Board for People with Developmental Disabilities. Members include people with disabilities and community agencies.

More information at [disabilityvote.org](https://disabilityvote.org).

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